

No. S 32

**BUILDING CONTROL ORDER, 2014
(S 69/2014)**

**BUILDING CONTROL (ADVERTISEMENT, BILLBOARD AND SIGNBOARD)
REGULATIONS, 2016**

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BUILDING CONTROL ORDER, 2014
(S 69/2014)

BUILDING CONTROL (ADVERTISEMENT, BILLBOARD AND SIGNBOARD)
REGULATIONS, 2016

In exercise of the power conferred by section 74 of the Building Control Order, 2014, the Minister of Development, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Building Control (Advertisement, Billboard and Signboard) Regulations, 2016 and shall be deemed to have commenced on 15th March 2016.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“advertisement” means any logo, symbol, sign, notice, representation or other visual device that promotes any goods, brand of products, services or events and includes any logo, symbol, sign, notice or representation that is projected on to any external surface of a building or structure by light or any other means;

“advertising structure” means any frame, panel, hoarding, object or other structure that is designed or used primarily for the display of an advertisement, animated billboard, directional sign, signboard or skysign;

“animated billboard” means an advertisement that exhibits, at any one time, one or more advertisements consisting of visual moving pictures or that are otherwise able to move or change colour due to the use of electrical, mechanical or other sources of power;

“balloon sign” means an advertisement or signboard that is inflated, tethered to and suspended above any building or premises or open ground and is conspicuously visible against the sky from the ground;

“building line” means the regular line of a street and includes a line prescribed by the Authority on either side of a street beyond which no building abutting such line shall traverse;

“directional sign” means an advertisement for the purpose of directing vehicular or pedestrian traffic to or advising the public of —

(a) the place of business of any person, firm, corporation or organisation;

(b) any facility for disabled persons, car park, taxi stand or other public facility; or

(c) the place or location where the promotion of any event, product, goods or services is taking place;

“free-standing advertising structure” means any advertising structure that is capable of standing on its own, whether or not it is affixed to the ground on one or more supports;

“illuminate” means to extend an internal or external artificial source of light, directly or by reflection, to any advertisement, animated billboard, directional sign, signboard or skysign;

“signboard” means any sign, notice, representation or other visual device containing all or any of the following information relating to the place or premises to which it is affixed —

(a) the identity or a description of the place or premises;

(b) the identity or a description of any person residing or carrying on an occupation at the place or premises;

(c) particulars of any business or occupation carried on at the place or premises, including any logo or symbol that identifies the business or occupation;

(d) such written directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;

(e) particulars or notifications required or permitted to be displayed by any written law;

(f) particulars relating to the services dealt with or provided at the place or premises, including the operating hours of the premises or the business conducted at the place or premises and the prices of the goods and services, but does not include any logo, symbol, sign, notice, representation or other visual device containing any other brand name or trade mark that promotes any goods or services;

“skysign” means any advertising structure that is exhibited —

(a) on or above the roof, parapet or eaves of a building or extends above the roof line of a building, and is conspicuously visible against the sky from the ground; and

(b) containing only particulars, including any logo or symbol, of the name or owner of the building to which it is affixed.

(2) Any reference in these Regulations to a person who exhibits an advertisement, animated billboard, balloon sign, directional sign, signboard or skysign shall be construed as a reference to the person who himself or by his employee or agent exhibits or causes to be exhibited the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign and shall include —

(a) the owner and occupier of the land or building on which the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign is exhibited; and

(b) any person whose goods, trade, business or other concern is given publicity by the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign.

(3) The person referred to in sub-regulation (2)(b) shall be taken to have exhibited or caused to be exhibited the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign, as the case may be, if and only if the person who himself or by his employee or agent exhibited or caused to be exhibited the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign, being another, is not known or cannot be found in Brunei Darussalam.

Requirement for written approval

3. (1) No person shall exhibit or cause or permit to be exhibited outdoors, any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign, whether on the exterior surface of any building or any part of any premises or on any free-standing advertising structure, without the prior written approval of the Authority.

(2) Notwithstanding sub-regulation (1), the written approval of the Authority shall not be required for the following —

(a) any notice for sale, rent or lease where the notice is exhibited on the land or property for sale, rent or lease;

(b) any memorial sign or tablet or names of a building and date of erection, when cut into the masonry surface or when constructed of bronze or other incombustible material;

(c) any advertisement in a shop unit, shopping mall or shopping arcade;

(d) any sign relating to any building, civil or structural engineering project containing information other than the service being rendered by the contractor;

(e) any on-premise balloon advertisement;

(f) any on-premise banner relating to school activities displayed by schools;

(g) any official directive sign;

(h) any decorative display or advertisement affixed to a building relating to national celebrations or State functions.

(3) In this regulation —

“exterior surface” means any surface that is intended to function as an external wall and external door;

“outdoors” includes any roofed space that is not fully enclosed on all sides and which facilitates the flow of general pedestrian traffic or is accessible to the public.

(4) The inscription on the signboard shall conform with the specifications set out in the First Schedule.

Application for written approval

4. (1) An application for a written approval for the exhibition of any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign shall be made to the Authority and be in such form and manner as the Authority may determine.

(2) The Authority may allow an application for a licence or for a renewal of a licence to be made by electronic means.

(3) An application for a written approval shall be accompanied by —

(a) a sketch or photograph showing full details of the proposed words, information and content to be displayed on the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign in respect of which the application is made;

(b) a copy of the title deed to the land on which the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign will be erected;

(c) a copy of the consent form from the owner of such land;

(d) a site plan showing the location, type, size of the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign;

(e) for a sign, a drawing indicating the materials to be used, the fixing, colours, height above the ground and, where it would project from a building, the extent of the projection;

(f) a site plan showing the location of the nearest existing advertisement, animated billboard, balloon sign, directional sign, signboard or skysign in the area, and the nearest building;

(g) structural and other plans and specifications, including the dimensions and materials and details of the construction including load, stresses and anchorage;

(h) such other documents, particulars or information as the Authority may require; and

(i) the fee set out in the Second Schedule.

(4) The Authority may —

(a) grant a written approval to the applicant for the exhibition of the advertisement, animated billboard, signboard or skysign —

(i) absolutely or for a specified period of time; or

(ii) subject to such conditions as it thinks fit; or

(b) reject the application.

(5) Every advertisement, directional sign or signboard for which a written approval is granted shall bear the licence number of the licence.

Lapse of written approval

5. Subject to regulation 6, a written approval granted under regulation 4(4)(a) shall lapse after the expiration of 6 months if the work towards the exhibition of the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign has not commenced.

Extension of approval

6. (1) On an application being made before the written approval lapses under regulation 5, the Authority may, on payment of the fee set out in the Second Schedule, grant an extension or further extension of the approval.

(2) In granting an extension or further extension of the approval under sub-regulation (1), the Authority may —

(a) impose conditions; or

(b) vary any conditions originally imposed.

Suspension or revocation of written approval

7. The Authority may at any time suspend or revoke the written approval granted under regulation 4(4)(a) if there is any reasonable ground for believing that a condition to which the written approval is subject has been breached upon failure of the applicant to comply with any provision of these Regulations.

Location and other requirements

8. (1) Every person to whom a written approval has been granted under regulation 4(4)(a) shall ensure that any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign to which a written approval granted relates to, complies with the following requirements —

(a) the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign —

(i) if displayed 5 metres or more above any street, shall not project more than 1.5 metres from the building line; and

(ii) if displayed more than 3.75 metres but less than 5 metres above any street, shall not project more than 60 centimetres from the building line;

(b) the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign, if fixed in a verandah-way or over a footpath, shall not be less than 2.5 metres above the level of the verandah-way or footpath; and

(c) the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign, if projecting over any street, shall not be erected less than 2.5 metres above the cover of any roadside drain, measured vertically from the top of the cover to the underside of the advertisement, balloon sign, animated billboard, directional sign, signboard or skysign.

(2) No such person shall illuminate or decorate by means of flickering, flashing or running lights any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign that is conspicuously visible against the sky from the ground except with the prior written approval of the Authority.

(3) No such person shall decorate by means of flickering, flashing or running lights any part of any frame or panel to which an animated billboard is affixed except with the prior approval of the Authority.

Alteration of advertisements etc.

9. The words, information and content displayed on any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign approved under these Regulations shall not be altered without the prior written approval of the Authority.

Maintenance of advertisements etc.

10. Every person to whom a written approval was granted under regulation 4(4)(a) shall ensure the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign approved under these Regulations is maintained to the satisfaction of the Authority.

Order for removal etc. of advertisements etc.

11. (1) The Authority may, in writing, order the removal, obliteration, replacement, alteration or maintenance of any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign.

(2) Any advertisement, animated billboard, balloon sign, directional sign, signboard, or skysign which, in the opinion of the Authority, has been exhibited in contravention of any provision of these Regulations may be removed by the Authority without any notice and the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign removed may be forfeited and disposed of.

(3) Any order made under sub-regulation (1) shall be served on —

(a) person who, in the opinion of the Authority, is responsible for exhibiting the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign; or

(b) the owner or occupier of the premises in or on which it is exhibited.

(4) The person, or owner or occupier, as the case may be, shall comply with the order under sub-regulation (1) within the period specified in the order.

(5) Where any order made under sub-regulation (1) is not complied with, the Authority or any person authorised in that behalf by the Authority may enter the premises and remove, obliterate, replace, alter or maintain the advertisement, animated billboard, balloon sign, directional sign, signboard or skysign or take such other action as may be considered to be reasonably necessary to prevent its exhibition.

(6) All costs and expenses incurred by the Authority or by any person authorised by the Authority in removing, obliterating, replacing, altering, maintaining or taking such other necessary action shall be recoverable from the person on whom the order was served as a debt due to the Government.

Offences

12. (1) Any person who contravenes or fails to comply with any provision of these Regulations or with any condition imposed by the Authority under regulation 4 or 6, is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction or, in default of payment of either of such fines, to imprisonment for a term not exceeding 6 months.

(2) Where an offence against these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of that body, or of a person purporting to act in any such capacity, he, as well as the body corporate, is also guilty of the offence and liable to be proceeded against and punished accordingly.

Appeals

13. (1) Any person who is aggrieved by any decision of the Authority made in pursuance of any power which it may exercise under these Regulations may appeal to the Minister, whose decision shall be final.

(2) An appeal made under sub-regulation (1) shall be lodged with the Minister within 6 weeks from the date of the notification of the decision of the Authority to the aggrieved person.

(3) A copy of any appeal made under sub-regulation (1) shall be forwarded to the Authority.

Repeal of S 56/2008

14. The Town and Country Planning (Development Control) (Control of Advertisements) Regulations, 2008 are repealed.

Saving and transitional provisions

15. (1) Any approval, decision, notice or order granted, made or served and any act or thing done under or pursuant to the repealed Regulations and valid immediately prior to the commencement of these Regulations is deemed to have been granted, made, served, done under or pursuant to the corresponding provisions of these Regulations and shall continue to have effect accordingly.

(2) Any contravention or non-compliance of the repealed Regulations is deemed to be a contravention or non-compliance of the corresponding provisions of these Regulations and the powers conferred on the Authority by these Regulations may be exercised in respect of any such contravention or non-compliance.

(3) Any approval or enforcement process or proceeding instituted or pending immediately prior to the commencement of these Regulations in connection with any application, contravention or non-compliance of or under the repealed Regulations may be continued and disposed of under the repealed Regulations as if these Regulations have not been made.

(4) In this regulation, “repealed Regulations” means the Town and Country Planning (Development Control) (Control of Advertisements) Regulations, 2008 (S 56/2008) repealed by these Regulations.

FIRST SCHEDULE
(regulation 3(4))

SPECIFICATIONS OF SIGNBOARD

1. The inscription shall be in the English and Malay languages, except that there may also be inscriptions in another language on the signboard as the Authority may direct.
2. The inscription in the Malay language shall be —
 - (a) printed in the Jawi script;
 - (b) on the upper part of the signboard;
 - (c) in a prominent colour scheme which is brighter than the other language and the background.
3. The size of the inscription in the language other than Malay shall not be more than one half of the size of the letters in the Malay language.

SECOND SCHEDULE

{regulations 4(3)/i/ and 6}

FEEES

Advertisement	\$5 per square metre or part thereof
Animated billboard	\$15 per square metre or part thereof
Extension of approval	\$5 per square metre or part thereof
Signboard	\$20 per square metre or part thereof
Skysign	\$40 per square metre or part thereof

Made this 7th. day of Sya'ban, 1437 Hijriah corresponding to the 14th. day of May, 2016.

DATO PADUKA AWANG HAJI BAHRIN BIN ABDULLAH
Minister of Development,
Brunei Darussalam.